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EXAMINER

NGUYEN, THU HA T

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,280

Applicant(s)

BROWNHILL ET AL.

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims **1-6 and 8-10** are presented for examination.
2. Claim 1 is currently amended.

Response to Arguments

3. Applicant's arguments filed July 13, 2006 have been fully considered but they are not persuasive because of the following reasons:

4. Applicant argues that Logue, Diefes and Poltorak neither discloses nor suggests storing or transmitting data relating to determining servicing recommendations for an ACM that controls any physical activity to a remote server that stores data relating to servicing recommendations for that type of ACM.

In response to applicant's arguments, the recitation "an ACM that controls any physical activity to a remote server" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Further in response to applicant's argument, the examiner submits that Logue teaches a service-portal database (figure 4, elements 461, 465, 425) containing a first set of service-portal data and one or more links to a second set

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of service-portal data stored in a remote network server as shown in figure 4, elements 461, 465, 425, 480, col. 5, lines 5-col. 6lines 67. However, Logue does not explicitly teach a service-portal database containing service-portal data relating to determination of servicing recommendations. Poltorak teaches the feature of a service-portal database containing service-portal data relating to determination of servicing recommendations (paragraphs 0007, 0012, 0027). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of Logue, Diefes and Poltorak to include the feature of a service-portal database containing service-portal data relating to determination of servicing recommendations because it would have provided an improved online transaction via an electronic communication network to improve user's chances of finding/surfing a broad selection of the desired goods or services, using the Internet (see Poltorak paragraph 0007).

5. As a result, cited prior art does disclose a service-portal enabled automation control module, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

6. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1. Claims 2-6 and 8-10 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in this office action below. Accordingly, claims 1-6 and 8-10 are rejected.

Claim Rejections - 35 USC 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-4, 5-6, and 8-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Logue** U.S. Patent No. **6,330,606**, in view of **Diefes et al.** (hereinafter **Diefes**) U.S. Patent No. **5,534,875**, and further in view of **Poltorak** U.S. Pub. No. **2002/0103654**.

9. As to claim 1, **Logue** teaches the invention as claimed, including a service-portal automation control module (ACM) configured to control a physical activity and being of a type, comprising:

a first central processing unit (CPU) configured for processing automation control signals (figure 3, element 55, figure 4, element 430 –*the NIC 55*);

a first memory operably connected to said first CPU (figure 4, elements 420, 440);

a second CPU operably connected to said first CPU (figure 3, element 50, figure 4, element 410);

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a second memory operably connected to said second CPU for storing a service-portal database (figure 4, elements 461, 465, 425) containing a first set of service-portal data and one or more links to a second set of service-portal data stored in a remote network server (figure 4, elements 461, 465, 425, 480, col. 5, lines 5-col. 6lines 67); and

a first network interface operably connected to said second CPU (figures 3, 4, element 54) and to a gateway configured for enabling said second CPU to communicate with said remote network server (figures 1, 3, 4, col. 3, lines 40-50 *—the modem pool 2 coupled through a router (which can be interpreted as gateway) interfaces between proxy 405 and remote site administrator 480 (which can be read as remote network server)*)).

However, **Logue** does not explicitly teach a first central processing unit (CPU) configured for receiving telemetry data. **Diefes** teaches a central processing unit configured for receiving telemetry data (col. 4, line 62-col. 5, line 15, col. 7, lines 30-48). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Logue and Diefes** to include the feature of CPU configured for receiving telemetry data because it would provide an efficient communication system that reduces error from the received telemetry data and electronic signal.

However, **Logue and Diefes** system does not explicitly teach the feature of a service-portal database containing service-portal data relating to determination of servicing recommendations.

Poltorak teaches the feature of a service-portal database containing service-portal data relating to determination of servicing recommendations (paragraphs 0007, 0012, 0027). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Logue**, **Diefes** and **Poltorak** to include the feature of a service-portal database containing service-portal data relating to determination of servicing recommendations because it would have provided an improved online transaction via an electronic communication network to improve user's chances of finding/surfing a broad selection of the desired goods or services, using the Internet (see Poltorak paragraph 0007).

10. As to claim 3, **Logue** teaches the invention as claimed, wherein said first memory stores a configuration file containing specific information on said service-portal ACM (col. 5, lines 5-col. 6, lines 67, col. 7, lines 40-col. 8 lines 14).

11. As to claim 4, **Logue** teaches the invention as claimed, wherein said second CPU is configured for functioning as a network server (figures 3-4).

12. As to claim 5, **Logue** does not explicitly teach wherein said first network interface supports one or more low-level protocols including TCP/IP protocol. However, **Poltorak** teaches a feature of wherein said first network interface supports one or more low-level protocols including TCP/IP protocol

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(paragraphs 0004-0005, 0023). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Logue, Diefes and Poltorak** to include the TCP/IP protocol because it would provide telecommunications system that allows the telecommunications system having function of connecting, configuring and using a computer network for data transmission over the Internet.

13. As to claim 6, **Logue** teaches the invention as claimed, wherein said gateway is configured for enabling said second CPU to communicate with said remote network server via Internet (figures 1, 3, 4, col. 3, lines 40-50 – the modem pool 2 coupled through a router (which can be interpreted as gateway) interfaces between proxy 405 and remote site administrator 480 (which can be read as remote network server)).

14. As to claim 8, **Logue** teaches the invention as claimed, further comprising a user interface operably connected to said second CPU and configured for enabling a user to request said first set of service-portal data from said second memory and said second set of service-portal data from said remote network server (figures 1, 4, elements 461, 465, 425, 480, col. 5, lines 5-col. 6lines 67).

15. As to claim 9, **Logue** teaches the invention as claimed, wherein said second memory is configured for loading at least one Web browser to open

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Web pages stored in said second memory (figures 2, 4, col. 3, lines 63-col. 4, lines 15, col. 5 lines 5-66).

16. As to claim 10, **Logue** teaches the invention as claimed, further comprising: a third CPU operably connected to said gateway and configured for communicating with said second CPU and said remote network server via said gateway; and a third memory operably connected to said third CPU and configured for loading at least one Web browser to open Web pages stored in said second memory (figures 2, 4, col. 3, lines 63-col. 4, lines 15, col. 5 lines 5-66, col. 9, lines 55-col. 10 lines 29, col. 11, lines 25-27). WebTV client 1 having hardware/software for providing user with user interface to access network service, browse the web, access the Internet, it deems to be inherent that WebTV client 1 have a CPU, a memory in order to process request, browse the web and load the desired web page.

17. Claims 2 and 5 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Logue** U.S. Patent No. **6,330,606**, in view of **Stephens, Jr.** U.S. Patent No. **6,557,026**.

18. As to claim 2, **Logue** does not explicitly teach the invention as claimed; however, **Stephens, Jr.** teaches: a backplane interface operably connected to said first CPU; an ACM backplane operably connected to said backplane interface; and an interface module operably connected to said ACM

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backplane (figure 1A, col. 5, lines 38-col. 6 lines 67). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Logue and Stephens, Jr.** to include backplane interface and interface module because it would provide an efficient communications system that can monitor and control the standard peripheral devices.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose

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telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ThuHa Nguyen
Patent Examiner

September 26 , 2006



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER